

FILED

1 Alan Dylan  
2 312 W 5<sup>th</sup> Street unit 215  
3 Los Angeles California 90013  
4 Telephone No (424)225-0920  
5 Pro-per

2011 JUL 29 PM 3:04  
CLERK U.S. DISTRICT COURT  
CENTRAL DISTRICT OF CALIF.  
LOS ANGELES  
BY [Signature]

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9 UNITED STATES DISTRICT COURT  
10 CENTRAL DISTRICT OF CALIFORNIA  
11 LOS ANGELES DIVISION

12 **ALAN DYLAN, an individual,**

13 **Case No.: CV11-5666- GHK{Ex}**

14 **Plaintiff,**

15 **Plaintiff**

16 **vs.**

17 **SHOW CAUSE WHY THIS COURT  
18 SHOULD NOT STAY OR DISMISS THIS  
19 ACTION PURSUANT TO COLORADO  
20 RIVER.**

21 **ONEWEST BANK FSB, an unknown  
22 business entity; INDYMAC MORTGAGE  
SERVICES, A DIVISION OF ONEWEST  
BANK, FSB, an unknown business entity;  
DEUTSCHE BANK NATIONAL TRUST  
COMPANY AS TRUSTEE UNDER  
POOLING AND SERVICING  
AGREEMENT DATED AS OF  
DECEMBER 1, 2006 MORTGAGE PASS-  
THROUGH CERTIFICATES, SERIES  
2006-AR41, an unknown business entity;  
QUALITY LOAN SERVICE  
CORPORATION, a California corporation;  
MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, a suspended  
California Corporation and DOES 1 – 10,  
inclusive,**

23 **Defendants**

24  
25  
26 **MEMORANDUM OF POINTS AND AUTHORITIES**

27 **Factual and Procedural history**

28 **-1-**

**SHOW CAUSE WHY THIS COURT SHOULD NOT STAY OR DISMISS THIS ACTION PURSUANT TO COLORADO  
RIVER**

On May 23, 2011 Plaintiff dismiss the above defendants and all cause of action in the State Court without prejudice (*case no* BC430725) and such dismiss was approve by the State Court Clerk. *See attachment A.*

On July 11, 2011 Plaintiff Alan Dylan filed a complaint against above defendants for several Federal and State laws.

On July 11, 2011 Plaintiff serve under the law each defendant the summons and complaint and waiting for respond.

ARGUMENT

I am the Plaintiff Alan Dylan in this case. I am asking the Hon. Judge George H King of this court not to stay or dismiss this action pursuant to *Colorado River*.

*The Colorado River doctrine allows federal courts to dismiss or stay an action “due to the presence of a concurrent state proceeding for reason of wise judicial administration.”*

Further, the *Colorado River doctrine* does not apply in this action, because Plaintiff on May 23, 2011 dismisses the entire action of all parties and all cause of action in the State Court without prejudice and that allow Plaintiff to continue or starting a new complaint under the federal rules. *See attachment A.*

### Conclusion

For the reason stated above, this court should not stay or dismiss this action.

21 || Dated: July 29 2011

By Alaudry

Alan Dylan

**Plaintiff in Pro-se**

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## **EXHIBIT A**

-3-

**SHOW CAUSE WHY THIS COURT SHOULD NOT STAY OR DISMISS THIS ACTION PURSUANT TO COLORADO  
RIVER**

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>Walid Salaheldin</b> 312 w 5th street apt 215 Los Angeles, CA 90013		FOR COURT USE ONLY
TELEPHONE NO.: 424-225-0920 FAX NO. (Optional): E-MAIL ADDRESS (Optional): Plaintiff in pro-per		<b>RECD</b> MAY 23 2011 LOS ANGELES FILING WINDOW SUPERIOR COURT
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 N Hill St MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles CA 90012 BRANCH NAME: Stanley Mosk		
PLAINTIFF/PETITIONER: Walid Sidriel Salaheldin DEFENDANT/RESPONDENT: Indymac Bank FSB, OneWest Bank FSB, et all...		CASE NUMBER: <b>BC430725</b>
<b>REQUEST FOR DISMISSAL</b> <input type="checkbox"/> Personal Injury, Property Damage, or Wrongful Death <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other <input type="checkbox"/> Family Law <input type="checkbox"/> Eminent Domain <input checked="" type="checkbox"/> Other (specify): Contractual Fraud.		- A conformed copy will not be returned by the clerk unless a method of return is provided with the document. -

## 1. TO THE CLERK: Please dismiss this action as follows:

- a. (1)  With prejudice (2)  Without prejudice  
 b. (1)  Complaint (2)  Petition  
 (3)  Cross-complaint filed by (name): \_\_\_\_\_  
 (4)  Cross-complaint filed by (name): \_\_\_\_\_  
 (5)  Entire action of all parties and all causes of action  
 (6)  Other (specify):\*

on (date): \_\_\_\_\_

on (date): \_\_\_\_\_

## 2. (Complete in all cases except family law cases.)

Court fees and costs were waived for a party in this case. (This information may be obtained from the clerk. If this box is checked, the declaration on the back of this form must be completed).

Date: 05/23/2011

Walid Sidriel Salaheldin



(SIGNATURE)

(TYPE OR PRINT NAME OF  ATTORNEY  PARTY WITHOUT ATTORNEY)

\*If dismissal requested is of specified parties only or specified causes of action only, or of specified cross-complaints only, so state and identify the parties, causes of action, or cross-complaints to be dismissed.

Attorney or party without attorney for:

- Plaintiff/Petitioner     Defendant/Respondent  
 Cross-Complainant

## 3. TO THE CLERK: Consent to the above dismissal is hereby given.\*\*

Date: 05/23/2011

Walid Sidriel Salaheldin



(SIGNATURE)

(TYPE OR PRINT NAME OF  ATTORNEY  PARTY WITHOUT ATTORNEY)

\*\* If a cross-complaint – or Response (Family Law) seeking affirmative relief – is on file, the attorney for cross-complainant (respondent) must sign this consent if required by Code of Civil Procedure section 581 (i) or (j).

Attorney or party without attorney for:

- Plaintiff/Petitioner     Defendant/Respondent  
 Cross-Complainant

(To be completed by clerk)

4.  Dismissal entered as requested on (date): **5/23/11** as to only (name):  
 5.  Dismissal entered on (date): \_\_\_\_\_  
 6.  Dismissal not entered as requested for the following reasons (specify):

John A. Clarke

7. a.  Attorney or party without attorney notified on (date):  
 b.  Attorney or party without attorney not notified. Filing party failed to provide  
 a copy to be conformed     means to return conformed copy

Date: **5/23/11**

Clerk, by \_\_\_\_\_


, Deputy  
Page 1 of 2

1 Alan Dylan  
2 312 W 5<sup>th</sup> Street unit 215  
3 Los Angeles California 90013  
4 Telephone No (424)225-0920  
5 Pro-Per

6 UNITED STATES DISTRICT COURT  
7 CENTRAL DISTRICT OF CALIFORNIA  
8 LOS ANGELES DIVISION

9 **ALAN DYLAN, an individual,**

10 **Case No.: CV11-05666-GHK-Ex**

11 **Plaintiff,**

12 **Proof of Service**

13 **vs.**

14 **ONEWEST BANK FSB, an unknown  
business entity; INDYMAC MORTGAGE  
SERVICES, A DIVISION OF ONEWEST  
BANK, FSB, an unknown business entity;  
DEUTSCHE BANK NATIONAL TRUST  
COMPANY AS TRUSTEE UNDER  
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REGISTRATION SYSTEMS, a suspended  
California Corporation and DOES 1 – 10,  
inclusive,**

15 **Defendants**

16 I, David Jimenez, declare as follows:

17 My address is 312 w 5<sup>th</sup> street unit 215 Los Angeles CA 90013, which is located in the  
18 county where the mailing described below took place.

19 On July 29, 2011, I served the document(s) described as:

1     • **SHOW CAUSE WHY THIS COURT SHOULD NOT STAY OR DISMISS THIS**  
2                   **ACTION PURSUANT TO COLORADO RIVER**

3  
4 On all interested parties in this action by placing a true and correct copy thereof in a sealed  
5 envelope, with first-class postage prepaid thereon, and deposited said envelope in the United  
6 States mail at or in Los Angeles, California, addressed to:

7  
8 For Defendants  
9 OneWest Bank FSB , Indymac Mortgage Services a division of OneWest Bank  
10 155 N Lake ave  
Pasadena, CA 91101

11 Deutsche Bank National Company as Trustee and Mortgage Electronic Service Systems  
12 6501 Irvine Center Drive ste 150  
Irvine, CA 92618

13 I declare under penalty of perjury that the foregoing is true and correct.

14 Executed on July 29, 2011at Los Angeles, California.

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17 David Jimenez

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